REMARKS

Claims 1-45 were examined by the Office, and all claims are rejected. With this response claims 1, 6, 8, 15, 20, 22, 29, 34 and 36 are amended. All amendments are fully supported by the specification as originally filed. Support for the amendments can be found at least from page 11, lines 22-26 of the specification and Figures 2 & 3. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion

This response is submitted after the filing of a Notice of Appeal and Pre-Appeal Brief Request for Review on November 19, 2007. A Notice of Panel Decision dated January 28, 2008 was received in response to the Pre-Appeal Brief Request for Review.

This response is submitted along with a Request for Continued Examination (RCE).

Claim Rejections Under § 103

In section 4, on page 2 of the Office Action, claims 1-5, 8-19, 22-33 and 36-45 are rejected under 35 U.S.C. § 103(a) as unpatentable over Schilit et al. (U.S. Patent No. 6,674,453) in view of "Sams Teach Yourself Microsoft Internet Explorer 5 in 10 Minutes," by Jill T. Freeze (hereinafter Freeze). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, alone or in combination, because the cited references fail to disclose or suggest all of the limitations recited in claim 1. In order to clarify the limitations recited in claim 1, claim 1 is amended to recite determining the distance between a first point on the view window and a first link area comprising a plurality of links, and determining the distance between the first point and a second link area comprising a plurality of links. Claim 1 also recites determining whether the first link area or the second link area is nearest to the first point on said view window. Applicant respectfully submits that the cited references at least fail to disclose or suggest the limitations of claim 1 identified above.

The Office acknowledges on page 3 of the Office Action that Schilit fails to disclose determining a link area comprising a plurality of links nearest to a first point on a view window, and relies upon Freeze for this teaching. The Office asserts that the teachings of Freeze of moving a mouse pointer over a link to determine the URL for the link is the equivalent of determining which link area is nearest to a point on a view window, as recited in claim 1. As mentioned above, claim 1 is amended to clarify that the distance between at least a first link area and the first point, and a second link area and the first point are determined. Applicant

respectfully submits that Freeze does not provide the necessary teachings for determining the distances of link areas made up of a plurality of links to a point, because Freeze is limited to determining which link a mouse pointer is placed over. The purpose of moving the mouse pointer over the link is to display the URL, so that the user knows where they are going before clicking on the link. See Freeze "Where am I going?" The mouse pointer must be directly over the link in order to show the user where the user is going, and therefore Freeze cannot provide any teaching or suggestion of determining the distances of a first link and a second link to the point, as recited in claim 1.

Instead, Freeze at most only determines whether or not the mouse pointer is over a link. However, if this determination is made Freeze does not also determine the distance between the mouse pointer and another link. Therefore, Freeze does not determine the distances between the mouse pointer and at least two link areas, i.e. first and second link areas as recited in claim 1, in order to determine the nearest link area to the mouse pointer, as recited in claim 1. Schilit also fails to disclose or suggest the limitations of claim 1 identified above, and therefore for at least the reasons discussed above, the cited references fail to disclose or suggest all of the limitations recited in claim 1.

In addition, the purpose of displaying the link in Freeze teaches away from determining which link area comprised of a plurality of links is nearest to the pointer. Since the purpose of displaying the URL is to inform a user where they will be taken if they select the link, this purpose would not be served by determining a plurality of links closest to the pointer, because the user can only select one link at a time. It is not possible for the user to click on multiple links, and therefore there is no need to determine which group of links the pointer is closest too. Instead, the teachings of Freeze are specifically limited to determining the proximity of a single link to the mouse pointer, i.e. whether the mouse pointer has been placed directly over a single link.

Contrary to the assertions of the Office, the teachings of Freeze are not applicable with respect to a plurality of links, even in view of Schilit, because Freeze teaches away from a combination where the nearest link area comprising a plurality of links is determined. A reference teaches away when a person of ordinary skill in the art would be discouraged upon reading the reference from following the path that was taken by the applicant. *Tec Air Inc. v. Denso Mfg. Michigan Inc.*, 52 USPQ2d 1294, 1298 (Fed. Cir. 1999); *see also In re Peterson*, 65

USPQ2d 1379, 1384 (Fed. Cir. 2003) (a *prima facie* case of obviousness may be rebutted by showing that the prior art teaches away from the claimed invention in any material respect). Claim 1 specifically recites determining whether the first link area or the second link area is nearest to the first point, and therefore the "path" taken by the applicant is related to determination of which plurality of links (since the first and second link areas are each comprised of a plurality of links) is nearest to a point. In contrast, Freeze at most only discloses determining which single link is closest to the mouse pointer, because Freeze teaches showing the URL for the link on which the mouse pointer has been placed. Therefore, the teachings of Freeze teach away from the combination with the plurality of links of Schilit, because the purpose of Freeze is to show users what web page they will be taken to if they click on a particular link.

Furthermore, the motivation provided by the Office for combining the teachings of Schilit and Freeze is insufficient. The Office asserts that it would have been obvious to one of ordinary skill in the art to use a cursor to determine links, and that the motivation would be to allow the user greater freedom in their selection of links. First, claim 1 is not directed to determining links, but is instead directed to determining whether a first or second link area is closest to the first point. In contrast, Freeze is specifically directed to "determining" links in the sense that a user will know where they will be going if they select a link. However, this determination of Freeze is not at all related to the present application. Furthermore, it is not apparent why greater freedom in the selection of links would motivate one of skill in the art to modify the teachings of Schilit with those of Freeze. Determining which link area is nearest to the first point does not provide any greater freedom in the selection of links. Instead, as recited in claim 1, a link list including the plurality of links is formed, therefore the user would be limited to those links shown in the link list.

In addition, the Office has provided no motivation as to why one of skill in the art would be motivated to apply the teachings of Freeze with respect to a plurality of links. Instead, the Office has merely asserted that Freeze would be applicable in relation to a plurality of links, (see page 11 of the Office Action) but has provided no motivation for this application. Therefore, the Office has engaged in impermissible hindsight reasoning in combining the teachings of the cited references. When making an obviousness determination the invention cannot be evaluated part by part. *Ruiz v. A.B. Chance Co.*, 69 USPQ2d 1686, 1690 (Fed. Cir. 2004). Otherwise an

obviousness assessment breaks an invention into its component parts (A+B+C), and finds a prior art reference containing A, another containing B, and another containing C, and on that basis alone declare the invention obvious. *Id.* Using the invention as a roadmap in order to find its components in the prior art is impermissible hindsight reasoning. *Id.; see also In re Gorman*, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991) (it is impermissible simply to engage in hindsight reconstruction of the claimed invention using the applicant's structure as a template and selecting elements from references to fill the gaps). The Office has merely used the invention recited in claim 1 as a roadmap to find the component parts in the cited references, i.e. determining when the mouse pointer is over a link from Freeze and the plurality of links from Schilit, but has not provided sufficient motivation to make this combination. Therefore, for at least the reasons discussed above, applicant respectfully submits that the Office has committed clear error in rejecting claim 1. As such, applicant respectfully requests withdrawal of the rejection to claim 1.

Independent claims 15 and 29 are rejected for the same reasons as claim 1, and contain limitations similar to those recited in claim 1. Therefore, for at least the reasons discussed above in relation to claim 1, claims 15 and 29 are not disclosed or suggested by the cited references.

Claims 2-5, 8-14, 16-19, 22-28, 30-33 and 36-45 all ultimately depend from an independent claim, and are not disclosed or suggested by the cited references at least in view of their dependencies.

In section 5, on page 8 of the Office Action, claims 6-7, 20-21 and 34-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of Freeze, and in further view of "Microsoft Windows XP Unleashed," by Terry W. Ogletree (hereinafter Ogletree). Claims 6-7, 20-21 and 34-35 all ultimately depend from an independent claim, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

Furthermore, claim 6 recites that the first point is a stationary point on the view window, and the link area nearest to the stationary point is indicated visually on the display of the electronic device. On page 8 of the Office Action, the Office acknowledges that Schilit and Freeze fail to disclose that the first point is a stationary point on the view window and relies upon Ogletree for this teaching. However, Ogletree also fails to disclose or suggest a stationary point, because contrary to the assertions of the Office, Ogletree does not disclose or suggest placing the cursor in a stationary position and navigating the window with the arrow keys. Instead, Ogletree
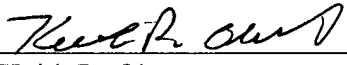
teaches using the numeric keypad to move the mouse <u>pointer</u>, and therefore the mouse pointer is not stationary as recited in claim 6. For at least this additional reason, claim 6 is not disclosed or suggested by the cited references, either alone or in combination. Claims 20 and 34 contain limitations similar to those recited in claim 6, and therefore are also not disclosed or suggested by the cited references for at least the reasons discussed above in relation to claim 6.

Conclusion

For at least the foregoing reasons applicant respectfully submits that the present application is in condition for allowance, and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

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